

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:23-cv-00152-MR-WCM**

DAVID JOHN HETZEL,)
)
 Plaintiff,)
)
 vs.)
)
)
 ANC HEALTHCARE, INC.;)
 ANC MISSION HOSPITAL, INC.;)
 HCA HEALTHCARE, INC.;)
 HCA MANAGEMENT SERVICES, L.P.;)
 MH MASTER HOLDINGS, LLLP;)
 MH HOSPITAL MANAGER, LLC;)
 MH MISSION HOSPITAL, LLLP; and)
 HCA HEALTHCARE MISSION FUND,)
 LLC,)
)
 Defendants.)
)
 _____)

ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 22], the Magistrate Judge's Memorandum and Recommendation [Doc. 38], and the Defendants' Objections to the Memorandum and Recommendation [Doc. 40].

Pursuant to 28 U.S.C. § 636(b), the Court designated the Honorable W. Carleton Metcalf, United States Magistrate Judge, to consider the Defendants' Motion to Dismiss and to submit a recommendation regarding

its disposition. On August 7, 2024, the Magistrate Judge entered a Memorandum and Recommendation, recommending that the Defendants' Motion to Dismiss be granted in part and denied in part. [Doc. 38 at 27]. Specifically, the Magistrate Judge recommended that the Defendants' Motion be granted regarding the Plaintiff's claims for breach of the covenant of good faith and fair dealing, intentional infliction of emotional distress, and negligent infliction of emotional distress. [Id.]. The Magistrate Judge recommended that the Defendants' Motion be denied regarding the Plaintiff's claims for libel, libel per se, and tortious interference with prospective economic advantage. [Id.]. On August 21, 2024, the Defendants filed Objections to the Memorandum. [Doc. 40]. On September 4, 2024, the Plaintiff filed a Reply to the Defendants' Objections. [Doc. 42].

After careful review of the Magistrate Judge's Memorandum, the Court finds that the Memorandum's challenged conclusions are consistent with current law. Accordingly, the Court accepts the Magistrate Judge's recommendation to grant the Defendants' Motion regarding the Plaintiff's claims for breach of the covenant of good faith and fair dealing, intentional infliction of emotional distress, and negligent infliction of emotional distress; and the Court accepts the Magistrate Judge's recommendation to deny the

Defendants' Motion regarding the Plaintiff's claims for libel, libel per se, and tortious interference with prospective economic advantage.

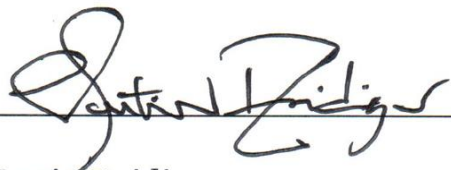
ORDER

IT IS, THEREFORE, ORDERED that the Defendants' Objections to the Memorandum and Recommendation [Doc. 40] are **OVERRULED**, the Memorandum and Recommendation [Doc. 38] is **ACCEPTED**, and the Defendants' Motion to Dismiss [Doc. 22] is **GRANTED IN PART** and **DENIED IN PART** as follows:

- (1) The Defendants' Motion to Dismiss [Doc. 22] is **GRANTED** with respect to the Plaintiff's claims for breach of the covenant of good faith and fair dealing, intentional infliction of emotional distress, and negligent infliction of emotional distress; and
- (2) The Defendants' Motion to Dismiss [Doc. 22] is **DENIED** with respect to the Plaintiff's claims for libel, libel per se, and tortious interference with prospective economic advantage

IT IS SO ORDERED.

Signed: March 24, 2025



Martin Reidinger
Chief United States District Judge

